

**Planning Commissioner's Written Comments
December 8, 2015**

Farrington Mixed Use (Z1500009)

Brian Buzby – I voted against this plan. The complete lack of affordable housing, even after a 60 day additional review period, is unacceptable. * Please see my comments from the October 2015 meeting – they still stand today.

DeDreana Freeman – Affordable housing will be reduced from important mix use SW Durham without mixed income. With fixed guideway transit stations in future planning around transit it is important that going forward developers understand that affordability planning in any housing developments needs to be addressed. Also noting that staff needs tools to support creating affordability in any high density developments around transit, bike paths and sidewalks for market rate occupants will continue inequality in housing in our community. I appreciate the formalized commitments in this request; however I cannot support the inequality of housing development. Nationally Wood Partners shared they have created 700 units in 23 communities. However the lack of tools Durham is missing out because we don't have an established program and mechanisms to track affordability with private developers.

David Harris – Voted no for approval.

Elaine Hyman – Voted no.

Armeer Kenchen – I vote to approve. While I am a big proponent of affordable housing, I do not think it is fair to impose unwritten policies upon this developer. I agree with staff that it is consistent with the comprehensive plan. It is my belief that we should move this forward.

Andre D. Vann – I voted no – as the lack of affordable housing goes against the values of Durham Leigh Village. 400 acres that is undeveloped. Light rail distrust with high density. Affordable housing again appears to be lacking from this project. Also, traffic could be another concern for those on Farrington Road.

Some residents we opposed to the development and one in favor as long as the affordable housing price is enclosed. Homework and policy work is needed.

Tom Miller - The council should deny this rezoning request. The property in question is in the Leigh Village Suburban Transit Area which contains a future station for the DOLRC. For ten months, the planning staff has been working with the community to develop proposal to change the comprehensive plan, zoning map, and text of the UDO to convert the Leigh Village area into a compact neighborhood tier and design district. The first components of the

recommended changes are to be brought to the planning commission and city council soon after the first of the year.

The property in question is a large part of the Leigh Village area. To entertain a significant zone change for that parcel now, right in front of a more comprehensive and community-involved change for the area seems like very bad planning to me. The better way is to wait a few months and include this property in the larger plan. If the significant zone change requested by these developers were granted in advance of the Leigh Village planning process it would mean the planning effort for the rest of Leigh Village area would have to be planned around this developer's project. It is not appropriate or fair to the community to remove components of a plan from consideration after work in the larger planning process has been so far advanced. Good planning discipline dictates that we wait and plan for Leigh Village as a whole and not piece by piece. The Comprehensive Plan requires new development to respect existing development. This giant development project with as many as 600 residential units along with a parking deck and office components is not an appropriate neighbor to the very low density single family residential neighborhood across the street. Without the changes to the tier designation contemplated by the Leigh Village planning process now underway, this rezoning in the suburban tier cannot be made to jive with the philosophy and policy of the current Comprehensive Plan. With the changes to the tier designation, zoning map, and zoning rules that the Leigh Village planning process will bring about, however, a large mixed use project on this land could be justified.

As a design district, the Leigh Village area will be divided into core, support one, and support two districts. Development under the rules in these districts will be guided by relaxed development intensity and use regulations but more stringent design rules. If this rezoning were allowed in advance of the creation of the design district, this very large project would be shaped by an entirely different regulatory philosophy than the remainder of the district. The result would be an unsatisfactory hybrid and the purpose of creating the design district and the work that has gone into it will be substantially ruined. Something similar happened at Ninth Street and the result is a mixture of design district development mixed incongruously with essentially suburban development. Let's not repeat that situation again if we can avoid it.

And we can avoid it. The beauty of the Leigh Village area, unlike Ninth Street, is that much of the land is either vacant or developed at a very low intensity. It is a fairly clean canvass. We should not spoil it just as we are beginning to wet our brushes. I might feel differently if the process to create a compact neighborhood tier and design district were merely item on our future planning to-do list, but that isn't the case. The process is well and truly begun. Staff resources have been committed and deployed. Area residents have been brought into the process and asked to buy in to it. It is not right to muddle the process up by carving up the area and allowing parallel and disconnected development concepts to compete with each other.

The council should deny this request because the development plan is not adequate to shape so important a project in so important a place. The plan does not nail down use mixes. Instead

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it allows a very large swing of uses. It does not nail down building heights. The developer has talked about how tall the buildings in this phase or that phase may be, but no commitment has been made. The plan does not nail down materials. We have enough experience in the community now to know when these buildings are a design success and when they are not. The best of them are those which have been guided by very specific design commitments in development plans. These are the buildings which make up Berkshire Ninth Street, Station Nine, and Solis. If we have learned this lesson, why not follow it? I note that under the design district zoning, there are specific form regulations which will shape development and the inclusion of development plan commitments will be less important. Again, let's wait. If we can't wait, let's insist on a better development plan.

Finally, a word about affordability and Leigh Village. In May 2014, the council adopted an affordability policy directed at this very project even though it hadn't been identified at that time. This development will be an intense residential and office project right on top of a transit station. According to the staff report, there is little in the way of affordable housing in the area right now and if this project is built without an affordable housing component, the statistics will drop from bad to irredeemably abysmal. At the hearing before the Planning Commission, the developer spoke convincingly of her firm's commitment to affordable housing and their record of building affordable housing in communities all around the country. The developer spoke of their desire to build affordable housing in Durham, but stated that it is impossible to include affordable units in this 600-unit project because our affordable housing program is not finished. My response then is to wait on rezoning so important a parcel of land – right in the area targeted by the council's May 2014 resolution- until the affordable housing program we are working on is ready. The work is far advanced. The city has poured in resources. The community has responded and is intensely involved. With the final product so near at hand, it seems like bad policy to let a target resource like the land in question slip away forever. But that is what we are being asked to do.

We cannot compel a developer to include affordable housing in a residential project for which the developer requires no zone change. No developer has the right to a rezoning, however. Under its charter, Durham can make and enforce an agreement with a developer to include affordable housing in a project if we incentivize that affordable component with a density bonus or other incentives. We now have a new density bonus in place sufficient to make at least one developer declare that he will take advantage of it. We will soon have an affordability program which, I hope, will identify other incentives sufficient to activate the kind of agreement envisioned by the charter. Let's not be so quick to give away big zone changes in target areas without appropriately incentivized affordable housing components under the programs we are now developing. If we really mean what we have been saying about affordable housing, this is where we show it.

The promise and opportunity reposed in this land will not go away if we do not grant this zone change request. In truth, the promise will grow and the opportunity will be enhanced if we

wait until the Leigh Village planning process is completed and the new affordable housing program is in place. Durham is not desperate. Let's not act like we are.

Melvin Whitley – voted for.

Rebecca Winders – No rezoning should be done until affordable housing is included.